

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

IN THE FAMILY COURT
THIRTEENTH JUDICIAL CIRCUIT

2016 JAN -6 AM 9:45

John Joey Mello

vs.

Christina Larain Parcell

Defendant.

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Docket No. 2015-DR-39-1048

Plaintiff's Attorney:
Catherine C. Christophillis, Bar No. 1234
Address:
920 North Main Street, Greenville, SC 29609
Phone: (854) 242-2060 Fax (864) 242-2801
E-mail: CCC1234@bellsouth.net Other: _____

Defendant's Attorney:
Jeffrey D. Ezell, Bar No. _____
Address:
15 N. Irvine Street, Greenville, SC 29601
Phone: (864) 264- 421-0015 Fax (864) 421-0256
E-mail: jeff@jeffezelllawfirm.com Other: _____

- ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Consent Custody Order

Estimated Time Needed: _____ Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

- ☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

01/04/16
Date submitted

SECTION III: Motion Fee

- ☐ PAID - AMOUNT: \$ _____
☒ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCF)
☒ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____ Date: _____

Judge Signature: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED - AMOUNT DUE: \$ _____

Custodial Parent (if applicable): _____

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT
COUNTY OF PICKENS) THIRTEENTH JUDICIAL CIRCUIT
2016 JAN -6 AM 9:45

John Joey Mello,)
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA)
Petitioner,)
vs.)
Christina Larain Parcell,)
Respondent.)

CONSENT FINAL AGREEMENT

DOCKET NO. 2015-DR-39-1048

Hearing: January 4, 2016
Judge: Usha J. Bridges
Petitioner's Attorney: Catherine C. Christophillis
Plaintiff's Attorney: Jeffrey D. Ezell
Court Reporter: Caroline Haskel

THIS MATTER is before this Court subsequent to Petitioner's filing a Notice of Motion and Motion for Temporary Relief and Petition for Custody on October 27, 2015. Respondent's Reply and Counterclaim was dated November 6, 2015, and Petitioner Replied to her Reply and Counterclaim on November 12, 2015. A Temporary Hearing was held before the Honorable David Phillips on November 12, 2015, but before his Temporary Order was issued, the parties signed a Consent Final Agreement settling all issues between them. They have requested this hearing to ask the Court to approve their agreement.

Present at the call of the hearing were Petitioner and his attorney Catherine C. Christophillis; Respondent and her attorney, Jeffrey D. Ezell.

Based on the testimony and a review of the file, I find the following:

1. Petitioner is a citizen and resident of the County of Greenville, State of South Carolina. The Respondent is a citizen and resident of the County of Pickens, State of South Carolina. Therefore, this Court has

subject matter jurisdiction over the issues and personal jurisdiction over the parties to this action, and the venue is proper in Pickens County.

2. The parties have never been married but have one child in common, Aida Grace Mello (DOB: 06/18/2012). The parties signed an agreement on December 7, 2015, as to custody of the minor child.

3. Both parties testified that they were fully aware of the terms of the agreement and of the financial status of the other party and that he or she entered into the agreement freely and voluntarily and from an informed perspective. Therefore, I find that there is no indication that either party was forced or under duress or coerced at the time he or she entered into the Agreement or at the time the Agreement was presented to the Court for approval.

4. The parties agreed that the Agreement was fair and equitable from a procedural and substantive standpoint and that it is in the best interest of the minor child.

WHEREFORE, based on the foregoing it is

ORDERED, ADJUDGED AND DECREED that the attached Agreement is approved and incorporated into this Order and made enforceable through the Contempt Powers of this Court.

AND IT IS SO ORDERED.



Usha J. Bridges
Family Court Judge

Pickens, SC
January 4, 2016

STATE OF SOUTH CAROLINA)

IN THE FAMILY COURT
THIRTEENTH JUDICIAL CIRCUIT

COUNTY OF PICKENS 2016 JAN -6 AM 9:44

John Joey Mello,

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

CONSENT FINAL AGREEMENT

Petitioner,

vs.

Christina Larain Parcell,

Respondent.

DOCKET NO. 2015-DR-39-1048

This Final Settlement Agreement is made and entered into by and between **JOHN JOEY MELLO**, hereinafter referred to as "Petitioner," and **CHRISTINA LARAIN PARCELL**, hereinafter referred to as "Respondent." It is further contemplated by the parties that this Agreement shall be made a part of any order resolving this case.

THE EFFECTIVE DATE OF THIS AGREEMENT IS DECEMBER 7, 2015

RECITALS

This Agreement is made with reference to the following facts:

1. The parties are the biological parents of a minor child, Aida Grace Mello (DOB: 06/18/2012).
2. Petitioner is a citizen and resident of Greenville County, South Carolina. Respondent is a citizen and resident of Easley, South Carolina.
3. It is the intention of the parties to live separate and apart from each other.
4. Custody and Visitation: it is the desire of the parties to enter into an agreement in which the sole custody of their minor child shall be with Petitioner, with liberal visitation to Respondent as



copy just for original signature

the parties agree. Petitioner agrees that he will be responsible for all of the minor child's expenses, expressly including, but not limited to medical, dental, and educational.


5. Child Support: The parties agree that there will be no child support now ~~or in the future from either party.~~ *uyb*
6. Real Estate: The property in the possession of Respondent at 317 Douthit Street, Greenville, South Carolina, shall be deeded to Petitioner. Petitioner agrees to place the property in a Trust to be administered by Petitioner for the benefit of the minor child, Aida Grace Mello, and the income from such property will be held in trust for the minor child's benefit. *uyb*
7. The parties intend that this Agreement should be approved and adopted by the Family Court, Thirteenth Judicial Circuit, and incorporated into an order approving this Agreement. The Court should have continuing jurisdiction to enforce the terms and conditions of this Agreement by contempt proceedings or otherwise.
8. This Agreement shall be brought before the Family Court of Pickens County as soon as possible after both parties' execution hereof for approval and incorporated into a an order approving the agreement. However, the parties shall abide by the terms of the Agreement pending approval of the same by the Family Court.

WE CONSENT:


JOHN JOEY MELLO


CATHERINE C. CHRISTOPHILLIS
Attorney for Petitioner


CHRISTINA LARAIN PARCELL


JEFFREY D. EZELL
Attorney for Respondent

the parties agree. Petitioner agrees that he will be responsible for all of the minor child's expenses, expressly including, but not limited to medical, dental, and educational.

5. Child Support: The parties agree that there will be no child support now or in the future from either party. *WJB*
6. ~~Real Estate: The property in the possession of Respondent at 317 Douthit Street, Greenville, South Carolina, shall be deeded to Petitioner. Petitioner agrees to place the property in a Trust to be administered by Petitioner for the benefit of the minor child, Aida Grace Mello, and the income from such property will be held in trust for the minor child's benefit.~~ *WJB*
7. The parties intend that this Agreement should be approved and adopted by the Family Court, Thirteenth Judicial Circuit, and incorporated into an order approving this Agreement. The Court should have continuing jurisdiction to enforce the terms and conditions of this Agreement by contempt proceedings or otherwise.
8. This Agreement shall be brought before the Family Court of Pickens County as soon as possible after both parties' execution hereof for approval and incorporated into a an order approving the agreement. However, the parties shall abide by the terms of the Agreement pending approval of the same by the Family Court.

WE CONSENT:

[Signature]
JOHN JOEY MELLO
[Signature]
CATHERINE C. CHRISTOPHILLIS
Attorney for Petitioner

[Signature]
CHRISTINA LARAIN PARCELL
[Signature]
JEFFREY D. EZELL
Attorney for Respondent

STATE OF SOUTH CAROLINA)

COUNTY OF Pickens)

IN THE FAMILY COURT
THIRTEENTH JUDICIAL CIRCUIT

John Joey Mello,)

Petitioner,)

vs.)

Christina Larain Parcell,)

Defendant.)

CHILD SUPPORT INSTRUCTIONS

DOCKET NO. 2015-DR-39-1048

☒ No Spousal or child support ordered. (No other items should be completed.)☐ If support is ordered *to be paid directly* or through the Court, you must complete BOTH pages (as applicable).

Obligation Type	Child Support	Medical Support	Spousal Support
Amount		\$	\$
Collection Costs (5%)		\$	\$
Payment Frequency			
Payment Start Date			
Weekly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bi-Weekly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monthly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Semi-monthly (1 st & 16 th)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Semi-monthly (15 th ^ 30 th)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Arrearage Amount	\$	\$	\$
Wage Withholding			
Required by S.C. Code Ann. §63-17-1420	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Custodial Parent (if applicable):

*****OBLIGOR'S DESIGNATION STATEMENT: PAYMENT OF COURT COSTS*****

I acknowledge that if ordered to pay support through the court, now or in the future, S.C. Code Ann. §63-3-370, as amended, requires that I pay court collection costs in an amount equal to five (5) percent of any support payment.

If support is paid though the Court or through a centralized wage withholding system, I designate that an amount equal to five (5) percent of my support payments be applied and distributed in payment of court collection costs, not support. I authorize the deduction of the fee from every payment made by me or on my behalf.

I acknowledge that should I not pay the full amount due, that an arrearage will accrue and that the Clerk of Court may take enforcement action against me for failure to pay all amounts ordered by the Court.

If an amendment to the law changes the amount of court collection costs, this designation authorizes deduction for court collection costs in the amount established by law.

Date January 4, 2016

Signature of Person paying Support

IDENTIFYING INFORMATION ON THIS PAGE

A. OBLIGEE/PAID TO:


Name: _____
Address: _____
City: _____ State: SC Zip: _____
Email Address: _____ Phone: _____
SSN: _____ Gender: _____ Race: _____ Height: _____
Weight: _____
Date of Birth: _____ Scars: _____
Driver's License Number: _____ Driver's License Issuing State: _____
Employer: _____
Employer's Address: _____

B. OBLIGOR/PAID BY:

Name: _____
Address: _____
City: _____ State: SC Zip: _____
Email Address: _____ Phone: _____
SSN: _____ Gender: _____ Race: _____ Height: _____ Weight: _____
Date of Birth: _____ Scars: _____
Driver's License Number: _____ Driver's License Issuing State: _____
Employer: _____
Employer's Address: _____

C. CHILDREN

CHILDREN'S NAMES	DATE OF BIRTH	SSN



Prepared By Catherine C. Christophillis Attorney for Petitioner January 4, 2016 Date